FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR AND MUNCIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Bharatha Matha Fruit Stall, No. 7, K. R. Market, Bangalore–2

Award of the Industrrial Tribunal, Bangalore—Published.

Read the following papers :—

(1) Letter No. 634/67-68, dated 2nd September 1967, from Shri P. T. Kadkol, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 2nd day of September 1967.

Present

Shri P. T. Kodkol, B. Sc., LL.B., Presiding Officer.

Reference. No. 25 of 1967.

Sri V. Abdul Jabbar, H. No. 106,A 5th Cross, Vanik..ugar, Mysore Road, Bangalore. 26. ... *I Party.*

Vs

The Management of Bharatha Matha Fruit Stall, No. 7, K. R. Market, Bangalore–2. ... *II Party.*

Reference.

Government Order No. LMA 58 LLD 67, dated 23rd February 1967.

AWARD.

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of Bharatha Matha Fruit Stall, No. 7, K. R. Market, Bangalore have referred it to this court for adjudication under Section 10(1) (c) of the Industrial Disputes Act, 1947 by their Order No. LMA 58

LLD 67 Dated 23rd February 1967, setting out the foliowing points of dispute for adjudication .—

> "Is the Management of Bharatha Matha Fruit stall No. 7, K. R Market, Bangalore-2 justified in refusing employment of Sri. V. Abdul Jabbar, with effect from 17th June 1966?
>
> If not, is the worker entitled to reinstatement with back services and wages or any other compensation."

2. This reference has been made by the Government under Section 2-A of the Industrial Dispute Act, 1947, read with Section 10(1) (c) thereof. The aggrieved workman V. Abdul Jabbar has appeared in person and he is the first party. The Management of Bharatha Matha Fruit Stall is the second party.

3. In response to the notice issued by this Court, the first party Abdul Jabbar has filed his claim statement dated 17th March 1967. Therein he has averred that he joined service under the Second Party on 27th July 1964 and his services were terminated on 17th June 1966 without any cause or reason. He has not however asked for any reinstatement. He has only prayed that the second party should be directed to pay him over time wages, service compensation and notice pay.

4. The second party has submitted its statement of objections dated 20th June 1967. It has contended therein that Abdul Jabbar was never a workman under it; hence this dispute is not an industrial dispute; all the averments made by Abdul Jabbar in his statement of claims are false; and hence this reference be rejected.

5. The case was fixed for documents and issues on 6th July 1967. It was adjourned to 16th August 1967. Meanwhile Abdul Jabbar sent an application dated 20th June 1967 to this court by Registered Post. It was received to Court on 5th July 1967. In this application, Abdul Jabber has stated that he had settled the dispute with the second party and hence does not press this reference.

6. Notice of this application was issued to both parties calling upon them to give their say with regards to the alleged settlement. The notice sent to Abdul Jabbar was returned to this court by the postal authorities with an endorsement that the

addressee had left the place and his whereabouts were not known. The second party has appeared through its advocate. A note to this effect was made in the Order Sheet of 14th August 1967 and the case was posted to 23rd August 1967 for evidence with regard to the alleged settlement. On 23rd August 1967 also Abdul Jabbar was absent. For the second party appeared its proprietor G. Mani. He has examined himself as M. W. 1. He has sworn that the dispute under reference has been settled out of court by his paying Abdul Jabbar a sum of Rs. 50 in full and final settlement of all his claims. He has identified the two signatures of Abdul Jabbar on the application dated 20th June 1967. That application is marked Ex. A. and the two signatures of Abdul Jabbar have been marked as Ex. A. (1) and Ex. M. (2). Since the aggrieved workman Abdul Jabbar has stated that the matter has been settled out of court and Mr. Mani the proprietor of the second also has confirmed it, I hold that the dispute has been settled out of court as stated in the applicant Ex. A. sent by Abdul Jabbar.

7. In the result therefore I make an Award as under:—

AWARD.

Reference is accepted. An Award is made between the parties as per the application Ex. A. sent byAbdul Jabbar which should be annexed to this Award and be deemed as forming part thereof. I order no costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"Copy"

P. T. KADKOL
Presiding Officer,
Labour Court, Bangalore.
2-9-1967

THE COURT OF THE PRESIDING OFFICER, LABOUR COURT AT BANGALORE.

Reference No. 25 of 1967.

Sri V. Abdul Jabbar,
H. No. 106 A, Fifth Cross
Valmikinagar, Mysore Road,
Bangalore-26. ... First Party.

Vs

The Management of Bharat Matha
Fruit Stall, No. 7, K. R. Market,
Bangalore-2. ... Second Party.

I, the First Party in the abovesaid case begs to submit as follows :—

That 1 have approached the Second party and got solved my grievances. Thus I have settled the dispute with the second party. Hence I do not press for the petition.

Therefore I request your good-self to be kind enough to dismiss the application without costs in the interst of justice and equity.

(Sd.) K. Abdul Jabbar Marked
A-1. Intd.P. T. K.
23/8.

Place. Bangalore.
Dated. 20-6-1967.

First Party.
(Sd.) V. Abdul Jabbar, Marked A-2
Intd. P. T. K.
23/8

Marked A.
Intd. P. T. K.
23/8.

"COPY"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER.

Bangalore, dated the 14th September 1967.

S. O. 1924.—WHEREAS by State Government Order No. LMA 58 LLD 67, dated 23rd February 1966, the Industrial Dispute between the Workman and the Management of Bharatha Matha Fruit Stall, No. 7, K. R. Market, Bangalore-2 was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore, has submitted to the State Government, its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 58 LLD 67.]

By Order and in the name of the Governor of Mysore,

1103 G. G. PUROHIT, *Under Secy.*